ORIGINAL

FILED

2008 JUL 14 PM 4:00

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY [signature] DEPUTY

NEHEMIAH ROBINSON J-71342
CALIPATRIA STATE PRISON (ASU, E-POD #148)
P.O. BOX 5008
CALIPATRIA, CA. 92233

NUNC PRO TUNC
JUL - 8 2008

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

NEHEMIAH ROBINSON, Plaintiff, v. T. CATLETT, ET, AL., Defendants.	08-CV-00161-H (BLM) PLAINTIFF'S NOTICE OF MOTION AND MOTION REQUESTING A FORTY-DAY EXTENSION OF TIME TO RESPOND TO DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT; MEMORANDUM OF OF POINTS AND AUTHORITIES IN SUPPORT; DECLARATION OF D. BELL; REQUEST FOR JUDICIAL NOTICE; AND PLAINTIFF'S NOTICE OF FIRST AMENDED COMPLAINT; AND DECLARATION OF PLAINTIFF THEREWITH. HEARING: JULY 28, 2008 TIME: 9:00 A.M COURTROOM: SUITE 5140 JUDGE: THE HONORABLE BARBARA L. MAJOR NO ORAL ARGUMENT REQUESTED

TO THE HONORABLE COURT AND DEFENDANTS:

PLEASE TAKE NOTICE THAT ON JULY 28, 2008, AT 9:00 A.M., IN THE ABOVE REFERENCED COURT LOCATED AT 940 FRONT STREET, SAN DIEGO, CALIFORNIA, 92101, PLAINTIFF WILL MOVE THE COURT FOR A FORTY-DAY EXTENSION OF TIME TO RESPOND TO DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT. THE MOTION FOR EXTENSION OF TIME IS MADE PURSUANT TO CIVIL RULE 7.1 ON THE GROUND PLAINTIFF HAVE BEEN DENIED ACCESS TO THE LAW LIBRARY TO RESEARCH THE CASE LAW CITED BY DEFENDANTS', CONDUCT LEGAL RESEARCH TO ADEQUATELY/EFFECTIVELY RESPOND TO THE DEFENDANTS' MOTION, AND OBTAIN THE NEEDED LEGAL SUPPLIES.

THE MOTION IS BASED ON THIS NOTICE OF MOTION AND MOTION, PLAINTIFF'S NOTICE OF FIRST AMENDED COMPLAINT AND DECLARATION OF PLAINTIFF THERE WITH.

DATED: JUNE 29, 2008.

RESPECTFULLY SUBMITTED,

Mr. [signature]

NEHEMIAH ROBINSON
PRO' SE

DECLARATION UNDER PENALTY OF PERJURY OF NEHEMIAH ROBINSON

NEHEMIAH ROBINSON, BEING COMPETENT TO MAKE THIS DECLARATION AND HAVING PERSONAL KNOWLEDGE OF THE MATTERS STATED THEREIN, DECLARES PURSUANT TO 28 U.S.C. § 1746:

1. I AM THE PLAINTIFF IN THE PRESENT CIVIL ACTION;

2. I AM PRESENTLY INCARCERATED AT CALIPATRIA STATE PRISON, HOUSED IN A.S.U. (ADMINISTRATIVE SEGREGATION UNIT) #1;

3. THE COPY MACHINE AT PLAINTIFF LOCATION (A.S.U.) "IS NOT" OPERATING PROPERLY. THUS, PLAINTIFF WAS ONLY GIVEN ONE COPY OUT OF THE THREE REQUESTED COPIES, WHICH HAS BEEN ATTACHED WITH PLAINTIFF'S MOTION;

4. PLAINTIFF IS WITHOUT THE NEEDED WRITING SUPPLIES TO HAND-WRITE A COPY OF PLAINTIFF'S NOTICE OF MOTION AND MOTION REQUESTING A FORTY-DAY EXTENSION OF TIME TO RESPOND TO DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT, ET. THUS, PLAINTIFF WAS UNABLE TO SERVE A COPY OF SAID MOTION TO DEFENDANTS' ATTORNEY OF RECORD, MS. SYLVIE P. SNYDER (DEPUTY ATTORNEY GENERAL), IN KEEPING WITH THE LOCAL RULES OF COURT.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT. EXECUTED ON JUNE 30, 2008

SIGNATURE: Mr. Nehemiah Robinson

NEHEMIAH ROBINSON J-71342
PRO 'SE